

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
NOVEMBER 12, 2013**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice of December 31, 2012 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies
Council President:	Ron DiMura
	Kevin Dotey
	Sean Kaplan
	Patricia Jenkins
	Bob Schueler
	Michele Tackach

Attorney: Aravind Aithal

Mayor Dobies added "Potential Litigation with T&M" to the Executive Session for discussion.

PROCLAMATIONS-NONE

APPOINTMENT

Mayor Dobies appointed the following individuals to the Welcome Home Deployed Citizen's Committee with Councilman Kaplan as the liaison:

Darlene Devereaux
Robert MacDonald
Patricia Young
Donna Streifler
Barbara Borkowski
Betty Platten
Addie Capozzolo
Melanie Veilleaux

PRESENTATIONS

271 Lincoln Boulevard – Robert Phillips, President of Phillips Safety Products is now located at 123 Lincoln Boulevard and is a manufacturer of specialty eyewear. They also have an internet site for prescriptions and manufacture medical devices. Mr. Phillips attended meeting and indicated that he is purchasing 271 Lincoln Boulevard and explained that his proposed plans are to put two retail stores on the first floor, along with an accessory space for eyewear lab/medical assembly space. Also, the second floor would be office space for Internet and web marketing and a photo studio. Mayor Dobies discussed how the Redevelopment Plan would affect Mr. Phillips' proposal and was advised to contact Mr. Cresitello, the Redevelopment Attorney to

discuss what steps would need to be taken to move on the proposal that was presented for this location.

NEW BUSINESS - NONE

PUBLIC HEARING

The Borough Clerk read Ordinance No. 1844-13 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**BOROUGH OF MIDDLESEX
ORDINANCE NUMBER 1844-13**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE
OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE
BOROUGH OF MIDDLESEX, NEW JERSEY TO CSC TKR, LLC,
D/B/A CABLEVISION OF RARITAN**

WHEREAS, the governing body of the Borough of Middlesex (hereinafter referred to as the "Borough") determined that CSC TKR, LLC d/b/a Cablevision of Raritan Valley, (hereinafter referred to as "the Company" or "Cablevision") had the technical competence and general fitness to operate a cable television system in the Borough, and by prior ordinance granted its municipal consent for Cablevision to obtain a non-exclusive franchise (the "Franchise") for the placement of facilities and the establishment of a cable television system in the Borough; and

WHEREAS, by application for renewal consent filed with the Borough and the Office of Cable Television on or about December 14, 2011, Cablevision has sought a renewal of the Franchise; and

WHEREAS, the Borough having held public hearings has made due inquiry to review Cablevision's performance under the Franchise, and to identify the Borough's future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Borough's future cable-related needs and interests;

WHEREAS, the governing body of the Borough has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision's proposal for renewal embodies the commitments set forth below, the Borough's municipal consent to the renewal of the Franchise should be given; and

WHEREAS, imposition of the same burdens and costs on other competitors franchised by the Borough is a basic assumption of the parties;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, and State of New Jersey, as follows:

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) "Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) "Application" shall mean Cablevision's application for Renewal of Municipal Consent, which application is on file in the Borough Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) "Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) "Borough" shall mean the governing body of the Borough of Middlesex in the County of Middlesex, and the State of New Jersey.
- (e) "Company" shall mean CSC TKR, LLC d/b/a Cablevision of Raritan Valley ("Cablevision") the grantee of rights under this Ordinance.
- (f) "FCC" shall mean the Federal Communications Commission.
- (g) "Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) "Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) "Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (j) "State" shall mean the State of New Jersey.
- (k) "State Regulations" shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of Cablevision to receive this consent, the Borough hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision's operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Borough hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Borough of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If Cablevision seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Borough and Cablevision shall be bound by the terms of this municipal consent until such time as Cablevision converts the municipal consent (and any certificate of approval) into a system-wide franchise.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Borough and any property hereafter annexed.

SECTION 7. SERVICE AREA

Cablevision shall be required to proffer video programming service along any public right-of-way to any person's residence within the portion of the Franchise territory, as described in the Application for municipal consent, at Cablevision's schedule of rates for standard and nonstandard installation.

SECTION 8. EXTENSION OF SERVICE

Cablevision shall extend service along any public right of way outside its service area to those residences within the franchise territory which are located in areas that have a residential density of twenty-five (25) homes per mile or greater, or areas with less than twenty-five (25) homes per mile where residents agree to share the costs of such extension in accordance with the line extension formula as provided by the Company in its Application for municipal consent.

SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, Cablevision shall pay to the Borough, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Borough. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Borough and Cablevision shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Borough to require

payment of a franchise fee by Cablevision that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

SECTION 10. FREE SERVICE

Cablevision shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Borough.

Upon written request from the Borough, the Company shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Borough, without charge, the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company, as those policies may exist from time to time.

Upon written request from the Borough, the Company shall provide to (1) one municipally owned facility, without charge, the following: (1) one standard installation; (2) one cable modem per installation; and (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time.

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Borough:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Borough shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Borough, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with

the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Borough pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE

Cablevision agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Borough as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

SECTION 16. PERFORMANCE BOND

Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the municipality in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. Cablevision shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

- (i) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,
- (ii) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,
- (iii) The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,
- (iv) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Township files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Township. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

SECTION 18. EMERGENCY USES

Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Borough pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein. The Borough shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Borough's regulatory authority within the Borough creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Borough lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Borough acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided,

however, the Borough shall be under no obligation to support Cablevision's request for such relief from the Board.

In any subsequent municipal consent, Borough shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Borough's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

A. Cablevision shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Borough as described in the Application for municipal consent. All Cablevision support for PEG access shall be for the exclusive benefit of Cablevision's subscribers.

B. The Borough agrees that Cablevision shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Borough is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Borough's provision of PEG access programming on such channel.

C. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

D. Upon 180 days prior written notice, Cablevision shall construct and maintain a fiber access return line at one (1) facility designated by the Borough within the serviceable franchise territory of the Borough, for use by the Borough in the production of non-commercial educational and governmental access programming on the cable system.

E. Cablevision shall provide the Borough with a one-time PEG grant of up to fifteen thousand dollars (\$15,000.00) payable as follows: (1) an initial grant payment of four thousand and twenty dollars (\$4,020.00) within 60 days of the issuance of the Certificate of Approval by the Board of Public Utilities (the "Initial Grant"); and (2) a grant of one thousand two hundred and twenty dollars (\$1,220.00) provided in annual installments, upon written request by the Borough (the "Annual Grant"). The Annual Grant shall be payable to the Borough within ninety

(90) days from receipt of the Borough's written request. Cablevision shall not be obligated to make any additional payments beyond year ten of the franchise term.

F. The Borough agrees that the Initial Grant and the Annual Grant provided pursuant to Paragraph E, shall be used for the exclusive support of PEG access programming, such as the purchase and/or rental of PEG access equipment and facilities. On request, the Borough shall provide Cablevision with a certification of compliance with this Section 21(F).

G. The Company shall have no further obligation to provide any PEG grant payments due and payable after the date upon which the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1.

SECTION 22. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Borough by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 23. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws, as such laws, rules and regulations may be amended from time to time.

SECTION 24. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 25. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Cablevision Systems Corporation
111 Stewart Avenue
Bethpage, NY 11714
Attention: Vice President for Government/Public Affairs, New Jersey

With a copy to:

CSC TKR, LLC d/b/a Cablevision of Raritan Valley
1111 Stewart Avenue
Bethpage, NY 11714
Attention: Legal Department

Notices to the Borough shall be mailed to:
Borough of Middlesex
1200 Mountain Avenue
Middlesex, New Jersey 08846
Attention: Borough Administrator

SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage, and publication as required by law.

Mayor Dobies opened the Public Hearing on Ordinance No. 1844-13. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1844-13.

Councilman Kaplan made a motion for adoption, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

ADOPTION OF MINUTES

Councilwoman Jenkins moved the approval of the October 22, 2013 Regular Meeting Minutes and Executive Meeting Minutes seconded by Councilman Kaplan and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Council President DiMura moved to approve the October, 2013 Finance Report seconded by Councilwoman Tackach and carried by a unanimous vote of Council.
2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - (a) Councilman Kaplan made a motion to approve Steven Tarbous, Ken Bartok, Jason Dudley, Brian Chomen, Dan DelSignore, Darren Lubetkin, Eric Chomen, Al Kriney and Chris Reichert to be accepted as Qualified Drivers of Truck 25 seconded by Councilman Dotey and carried by a unanimous vote of Council.

(b) Councilman Kaplan moved to accept the resignation of Jean Vecchio as an Active Member of the Middlesex Fire Department as of September 26, 2013 seconded by Councilman Schueler and carried by a unanimous vote of Council.

4. Public Works/Parks/Sanitation/Recycling

(a) Councilwoman Jenkins moved the approval of the September, 2013 DPW Report seconded by Councilman Schueler and carried by a unanimous vote of Council.

5. Police/Legal/Code Enforcement/Municipal Court

(a) Councilwoman Tackach moved the approval of the September, 2013 Police Department Monthly Report seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

(b) Councilwoman Tackach moved the approval of the August, 2013 Construction Report seconded by Councilman Schueler and carried by a unanimous vote of Council.

6. Administration/Office on Aging/Legislation/License/Buildings & Grounds

(a) Councilman Schueler mentioned that at the November 2, 2013 Rabies Clinic over 100 dogs and cats were vaccinated.

(b) Councilman Schueler stated that the Board of Health requested that information about the nuisance ordinance and how to make a report, along with the requirement to leash dogs be put in the next newsletter.

REPORTS

Mayor

1. Replacement of CFO – Mayor Dobies requested that the Administrator's Committee move ahead on this replacement.
2. Remaining Regular Meetings – Mayor Dobies stated that November 26th and December 17th will be the remaining meetings for 2013.
3. Mayor Dobies stated that he met with our engineers and there is a possibility that funding is still available for the borough to mill and pave a small road, although timing is critical due to the weather. Council requested that the Mayor work off the listing of roads that has already been compiled and come up with a recommendation from that existing list.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2013(V)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is desirous of removing Resolution #286-13 and Resolution #287-13 from this Consent Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #284-13 – Resolution #285-13
Resolution #288-13 – Resolution #294-13

Councilman Schueler made a motion for approval, seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #284-13

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR
ERS GRATE PLATES**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase (34) ERS Grate Plates from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Campbell Foundry Company is under State Contract No. A84205 for the year 2013; and

WHEREAS, the cost for the purchase of (34) ERS Grate Plates is not to exceed \$5,712.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of (34) ERS Grate Plates is ordered under State Contract No. A84205 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$5,712.00 is available in Account No. 02-4000-00-3028-90.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #285-13

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF
LIGHTING FOR NEW FIRE PICKUP TRUCK**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase lighting for new fire pickup truck from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Absolute Fire Protection is under State Contract No. 81340 for the year 2013; and

WHEREAS, the cost for the purchase of lighting is not to exceed \$4,372.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of lighting for new fire pickup truck is ordered under State Contract No. 81340 be and is hereby approved.

The CFO hereby certifies that the funds in the amount of \$1,555.00 is available in Account No. 04-1832-00-1832-54 and \$2,817.00 is available in Account No. 04-1832-00-1832-75.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #288-13

RESOLUTION AUTHORIZING NJPA PURCHASE OF FUEL MANAGEMENT SYSTEM

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a Fuel Management System from the National Joint Powers Alliance; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Petro King is under NJPA Contract No. 051613-SYS for the year 2013; and

WHEREAS, the cost for the purchase of a fuel management system is not to exceed \$15,000.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a fuel management system is ordered under NJPA Contract No. 051613-SYS be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$15,000.00 are available in Account No. 03-4000-4009-90.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #289-13

WHEREAS, bids were received October 30, 2013 for (1) 2014 JD 310SK Wheel Loader Backhoe;

WHEREAS, there were three bids received which are listed below:

Foley, Incorporated	Base Bid	\$110,276.31
855 Centennial Avenue	Option #1	\$ 15,260.00
PO Box 1555	Option #2	\$ 4,700.00
Piscataway, NJ 08854	Option #3	\$ 1,380.00
Trico	Base Bid	\$105,300.00
551 N. Harding Hwy	Option #1	\$ 3,932.00
Vineland, NJ 08360	Option #2	\$ 2,279.00
	Option #3	\$ 1,519.00
Jesco	Base Bid	\$100,809.00
118 St Nicholas Avenue	Option #1	\$ 3,704.00
South Plainfield, NJ 07080	Option #2	\$ 2,231.00
	Option #3	\$ 731.00

WHEREAS, the Borough Public Works Supervisor in concurrence with the Borough Purchasing Agent recommends to award the bid to Jesco in the amount of \$100,809.00 and Option #1 in the amount of \$3,704.00; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that:

1. Based upon the recommendation of the Borough Public Works Supervisor and Borough Purchasing Agent, the governing body hereby awards the bid for the 2014 JD 310SK Wheel Loader Backhoe to Jesco in the amount of \$104,513.00.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$104,513.00 are available in account 04-1832-00-1832-77.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #290-13

The Tax Collector is hereby authorized to refund an overpayment of 3rd quarter 2013 property taxes due to an overpayment by the homeowner on the following property:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
241/14.01	McGovern, Susan 136 Coleman St	\$2,099.58
44/33	Bala, Andrea 405 First St	\$1,405.05

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #291-13

The Tax Collector is hereby authorized to issue a check in the amount of \$12,304.90 to redeem tax sale certificate #2012-1800, Block 267, Lot 2, 750 South Avenue, check is to be made payable to:

FWDSL & Associates LP
5 Cold Hill Rd South #11
Mendham, NJ 07945

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #292-13

The Tax Collector is hereby authorized to refund 4th quarter 2013 property taxes on the following property. The finance/mortgage company overpaid.

BLOCK/LOT	NAME & ADDRESS	AMOUNT
173/43.01	Rooney, James & Kelly 122 Giles Ave	\$ 239.91

The check is to be made payable to: DataQuick Title
5700 Smetana Drive, Suite 400
Minnetonka, MN 55343

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #293-13

**Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Extension January 1, 2014 to June 30, 2014
Resolution**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society

amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, Middlesex Borough was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

WHEREAS, The Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and

WHEREAS, funding has been made available to Middlesex Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirements for the extension funding.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Middlesex Council does hereby authorize the submission of the grant extension for the Middlesex Municipal Alliance grant in the amount of:

DEDR	\$20,826.00
Cash Match	\$5,206.50
In-Kind	\$53,027.52

The Borough of Middlesex Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #294-13

The governing body hereby authorizes the Mayor to execute the Field Work Placement Agreement with Kean University to participate in the Internship Program of the Recreation Administration Program of Kean University.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #286-13

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF
TWO POSITION DISPATCH CONSOLE FOR POLICE DEPARTMENT**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase a two position dispatch console for the Police Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Goosetown Communications is under State Contract No. 83892 for the year 2013; and

WHEREAS, the cost for the purchase of a two position dispatch console for the Police Department is not to exceed \$177,750.81; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of a two position dispatch console for the Police Department is ordered under State Contract No. 83892 be and is hereby approved.

The CFO hereby certifies that the funds in the amount of \$177,750.81 are available in Account No. 04-1797-00-1797-86.

Councilman Kaplan made a motion for approval, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #287-13

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF NEW RADIOS FOR
POLICE DISPATCH CONSOLE**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase new radios for the Police dispatch console from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Motorola Solutions, Inc. is under State Contract No. 83909 for the year 2013; and

WHEREAS, the cost for the purchase of new radios is not to exceed \$40,835.80; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of new radios for the Police dispatch console is ordered under State Contract No. 83909 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$40,835.80 are available in Account No. 04-1797-00-1797-86.

Councilman Kaplan made a motion for approval, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #295-13

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Including the following Confirming Orders:

PO 54437 Hoski Florist \$ 108.00

Councilman DiMura made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Jenkins, Kaplan, Schueler and Tackach. Nos: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Teen Cert Program – Councilman Kaplan discussed this program for 16 – 18 year olds which would be organized through the OEM and will work in conjunction with the school. This program will be free, Jack Costa will train these students and once they are 18 they will be qualified to join our OEM.

PUBLIC COMMENTS

Mayor Dobies opened the Public Portion of the meeting for any comments.

Bill Moore, 165 Barbara Place, discussed the report of accidents on the bridge on Sebring Mills Road and the status of the Burger Building.

Seeing that there was no further public participation, Mayor Dobies closed the public portion of the meeting.

The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

Resolution #296-13

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. Sadat Associate's Lawsuit

Council President DiMura made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: Members DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

Council President DiMura moved to reconvene the Regular Meeting seconded by Councilman Kaplan and carried by a unanimous vote of Council.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #297-13

WHEREAS, there is currently a pending legal action against the Borough of Middlesex filed by Sadat Associates, Inc.; and

WHEREAS, Sadat Associates seeks \$34,400.00, plus interest, costs and attorney fees from the Borough; and

WHEREAS, the parties involved in this litigation have agreed to settle and by virtue of the settlement, all litigation between the parties will be terminated; and

WHEREAS, as part of the settlement agreement, the Borough will pay Sadat Associates the sum of \$18,000.00 as full payment of all claims raised in the pending legal action; and

WHEREAS, the settlement of this pending legal action will result in the Borough being able to save legal expenses and costs; and

WHEREAS, the settlement amount is significantly less than the amount that the Borough believes that Sadat Associates may recover through successful prosecution of the pending legal action; and

WHEREAS, the Governing Body is of the opinion that it is in the best interest of the Borough to settle the pending legal action for the sum of \$18,000.00; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex as follows:

1. The Governing Body hereby determines that it is in the best interest of the Borough of Middlesex to settle the pending legal action instituted against the Borough and to pay Sadat Associates, Inc. the sum of \$18,000.00 as full settlement in connection with the pending legal action.

2. The Mayor and Borough Clerk are hereby authorized and directed to sign the settlement agreement, if any, and attach a copy of the agreement hereto and make the same a part hereof.
3. The Governing Body authorizes the immediate payment of \$18,000.00 to Sadat Associates, Inc.
4. This Resolution shall take effect immediately.

Council President DiMura made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: Members DiMura, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

ADJOURNMENT

Council President DiMura made a motion to adjourn the Regular Meeting seconded by Councilman Schueler and carried by unanimous vote of members present.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk